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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,740	07/25/2001	Turguy Goker	50103-352	5600

7590 01/28/2003

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EXAMINER

PHAM, MINH CHAU

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

81

<b>Office Action Summary</b>	Application No. 09/911,740	Applicant(s) GOKER ET AL.	
	Examiner Minh-Chau Pham	Art Unit 3654	

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002 .
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Oath/Declaration*

1. The objection to the Oath/Declaration is withdrawn.

### *Drawings*

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on November 14, 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-4, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohshita (EP 0 467 143 A2).

Ohshita discloses applicants' claimed invention, specifically teaching a tape drive mechanism comprising:

a hub filler (3);

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a guide rail (5b);

means for preventing detachment (17)(18)(21) comprising a guide arm (17)(18) and a guide arm motor (21); and

a tape (2);

wherein the guide arm and the guide arm motor are arranged to provide drag on the tape being unloaded from the tape drive mechanism (col. 4, lines 32-40).

With respect to claims 4 and 11, cartridge (1) inherently has a motor [see Fig. 3, the arrow of (1)] in order to unload the tape (2) from the tape drive mechanism. Therefore, the guide arm (17)(18) and the guide arm motor (21) are arranged to be dragged (via the motor in the cartridge) by the tape being unloaded from the tape drive mechanism.

5. Claims 1-4, 9, 11, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Theobald (US 6,082,652).

Theobald discloses applicants' claimed invention, specifically teaching a tape drive mechanism (100) and a method of preventing detachment of an end of tape from a hub filler during an unloading operation, comprising:

a hub filler (106)(114);

a guide rail (118); and

means for preventing detachment (116)(122)(see Fig. 3) comprising a guide arm (122) and a guide arm motor [see Fig. 2, the load motor coupled to (122)](col. 4, lines 6-10);

wherein the guide arm and the guide arm motor are arranged to provide drag/tension on a tape and to be dragged/tensioned by the tape being unloaded from the tape drive mechanism.

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-8, 12-15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald (\*S 6,082,652) as applied to claims 1-4, 9, 11, and 16-17 above.

With respect to claims 5, 7, 12, 14, and 18-19, Theobald's tape drive mechanism inherently has a controller to control the guide arm motor, a take-up reel motor [Fig. 1, the motor coupled to (112)], and a cartridge motor [Fig. 1, the motor coupled to (104)] during the unloading and the loading operation (col. 4, line 38-col. 5, line 25). Although Theobald does not specifically disclose the guide arm motor to be an induction motor, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an induction motor for the guide arm motor as an obvious alternative design choice. Therefore, the guide arm motor provides tension on the tape by electrical induction and by magnetic resistance.

With respect to claims 6, 8, 13, and 15, the applied force to the hub filler is in an opposite direction to a direction that the hub filler is traveling in the unloading operation.

***Response to Arguments***

8. Applicants' arguments filed November 14, 2002 have been fully considered but they are not persuasive. Applicants argue on pages 8 through page 9, second paragraph, that neither Ohshita nor Theobald discloses a controlled tension in the tape through the guide arm motor, guide arm and hub filler combination, and that for claim 1, Ohshita does not disclose the guide

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arm and the guide arm motor providing drag on the leader block, but rather provide the motive force for movement of the leader block. Applicants' arguments are not commensurate with the scope of the claim. Claim 1 has no limitations of the guide arm and the guide arm motor providing drag on the tape being unloaded. In addition, even if Ohshita does not specifically disclose the guide arm and guide arm motor providing drag on the tape or being dragged by the tape, they inherently have it. Unless the tape drive mechanism is frictionless, there will always be a drag or tension, no matter how minute, on each of the elements, provided by the opposing elements or just due to gravity or the weight of each element.

Also, applicants argue on page 9, last paragraph, with respect to claim 9, that Ohshita does not provide a guide arm motor and guide arm arranged to provide drag on the tape during an unloading operation. Since Ohshita's guide arm motor and guide arm move the leader block toward the supply reel, the moving of the leader block provides drag on the tape, caused by gravity and because the tape is attached to the leader block.

Furthermore, applicants argue on page 10, first paragraph, with respect to claim 17, that Ohshita fails to disclose the applying tension to the end of the tape in a direction toward the take-up reel during the unloading operation. Unless the tape drive mechanism is frictionless, there will always be tension of some sort between the elements.

In addition, applicants argue on page 10, last paragraph, with respect to claims 1, 9, and 16 that Theobald's guide arm and guide arm motor do not provide drag/tension on the tape and to be dragged/tensioned by the tape being unloaded from the tape drive mechanism. Again, for the same reasons above, unless the tape drive mechanism is a frictionless system, there will

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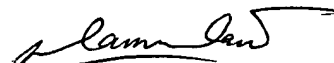
always be a drag or tension, no matter how minute, on each of the elements, provided by the opposing elements or just due to gravity or the weight of each element.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 305-0766. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Minh-Chau Pham  
Examiner  
Art Unit 3654

pmc  
January 27, 2003